

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. STEBBINS,
Plaintiff,

v.

KARL POLANO, et al.,
Defendants.

Case No. 21-cv-04184-JSW

**ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Re: Dkt. No. 57

On September 17, 2021, Plaintiff David A. Stebbins filed a motion for a preliminary injunction.¹ Plaintiff seeks to enjoin individual defendants Karl Polano, Raul Mateas, and Frederick Allison from submitting DMCA counter-notifications for the duration of this case. Notice of the motion was not given to the individual defendants, who have not yet been served or appeared in this action.

The Court finds that Plaintiff has failed to articulate a sufficient legal and factual basis to warrant departure from the normal requirements of service and written notice. Pursuant to Civil Local Rule 65-2, “[m]otions for a preliminary injunction unaccompanied by a temporary restraining order are governed by Civil L.R. 7-2,” which requires motions to be “filed, served, and noticed in writing,” “[e]xcept as ordered or permitted by the assigned Judge or these Local Rules.” Here, Plaintiff asks the Court to excuse him from these requirements to permit a speedy resolution of his motion. Plaintiff requests that the Court notify the individual defendants of this motion via email so they may appear for the sole purpose of responding to this motion before they have been properly served. The Court declines to proceed in this manner. The Federal Rules of Civil

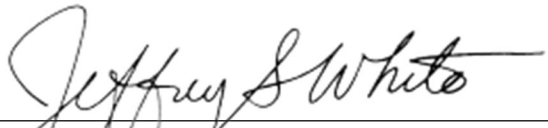
¹ The Court finds this matter suitable for disposition without oral argument and VACATES the hearing scheduled for November 5, 2021. *See* N.D. Civ. L.R. 7-1(b).

1 Procedure and the Local Rules govern these proceedings. And while the Court liberally construes
2 the filings of pro se litigants, pro se litigants are not relieved from following applicable rules of
3 procedure. *Maxson v. Mosaic Sales Sols. U.S. Operating Co., LLC*, No. 2:14-CV-02116-APG,
4 2015 WL 4661981, at *2 (D. Nev. July 29, 2015). Plaintiff's motion does not comply with the
5 rules of this Court, and the present circumstances do not warrant deviating from the notice and
6 service requirements set forth in the Federal Rules and the Local Rules.²

7 For these reasons, the Court DENIES Plaintiff's motion WITHOUT PREJUDICE. Any
8 further requests for relief must comply with the applicable rules. Further, the Court
9 ADMONISHES Plaintiff to refrain from filing requests with the Court when the appropriate
10 circumstances do not exist for such a filing.

11 **IT IS SO ORDERED.**

12 Dated: October 29, 2021

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14 JEFFREY S. WHITE
15 United States District Judge
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27 ² Plaintiff cites cases in which courts have permitted service of process by email upon a showing
28 by the plaintiff that the defendants could not be located or served through other means despite
reasonable and diligent attempts to do so. Plaintiff has not made this showing, and he has not
moved for service of process by alternative means.